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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,957	05/10/2006	Malcolm J. Kudra	32483-08	8650
7590 John B Hardway III Nexsen Pruet P O Box 10107 Greenville, SC 29603			EXAMINER BITAR, NANCY	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 06/24/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,957

Applicant(s)

KUDRA ET AL

Examiner

NANCY BITAR

Art Unit

2624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's response to the last Office Action, filed 11/13/2009, has been entered and made of record.
2. Applicant has amended claims 14-17 and 20. Claims 1-13, 18, 19 have been cancelled. Claims 14-17, 20-29 are currently pending.
3. Applicants arguments filed 4/16/2010 have been fully considered but they are not persuasive.
4. Applicant's arguments, in the amendment filed 4/16/2010 , with respect to the rejections of claims 1-4,6-10 and 13-20 under 35 U.S.C. 103(a) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by the amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Madden et al (US 2005/0033142).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant teaches “navigating the images in a systematic way” and “selecting thumbnail image from an array of thumbnail image” in each of claims 21 -23. Examiner could not refer to that teaching in the specification and therefore it is unclear where that essential element is found in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-17, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenet et al (U.S. Patent 5,291,889), in view of Imran et al (U.S. Patent 6,251,073) and further in view of Madden et al et al (US 2005/0033142)

With regard to claim 21-22, Kenet discloses image management system showing the skin of a patient (see col. 4, lines 1-24); and a software application (computer system) adapted for managing said plural digital images by facilitating viewing said plural digital images (see col. 4, lines 19-24) software enabling user to navigate said images in a systematic way to look for moles

of interest present in said skin, to change the resolution of said images (manipulation and enhancement of the image; see Fig. 3, item 36) and said plural digital images include plural sets of digital images, each set of said plural sets of digital images showing the skin of said patient, and wherein said software application is further adapted to permit comparison of said plural sets of digital images so that a user can look for changes over time in moles present on the skin (see col. 4, lines 1-26). Kenet teaches annotating said plural digital images when said plural digital images are stored in said memory (see col. 2, line 32-38).

Kenet does not explicitly call for software application being carried on portable digital memory storage device; however, in the same field of endeavor, Imran teaches this feature (see col. 12, lines 63-67). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Imran portable memory storage device into Kenet system. The suggestion/motivation for doing so would have been to store image data into a portable memory storage device (see col. 12, lines 63-67). Neither Kenet nor Imran teaches enable set of images to appear on said monitor of said computer as an array of thumbnail images and looking for changes of the moles in said skin. Madden teaches skin mole management by using a dermatological setting includes the linking of a high resolution dermatological image with a unique location or area on the three-dimensional representation, preferably in an electronic manner using a computer-based system. Once the high resolution image is linked in this manner, its cataloguing and later retrieval are easily accomplished by simply pointing a pointing device, such as a computer mouse, on a particular location on the three-dimensional representation that is presented on a computer display, to retrieve the particular high-resolution image. Besides the location data of the high-resolution image (i.e. with

respect to a location on the three-dimensional representation) other information related to the high-resolution image may also be stored along with the high-resolution image ([0016-0018]). Moreover, Madden et al teaches the monitoring of several to hundreds of unusual moles (e.g., dysplastic nevi) over time. The monitoring includes the comparison of the moles over time, which is usually achieved by comparing older images with newer ones to assess mole growth, new mole development (see paragraph [0018-0020]). It would have been obvious to one skilled in the art to use the dermatological setting of the moles of Madden et al in Kernel application in order to have an accurate localization and identification of the mole thus facilitating treatments. Therefore, it would have been obvious to combine Imran with Kenet to obtain the invention as specified in claim 1.

As to claim 22, Madden et al teaches the image management system as recited in claim 21, wherein said software is programmed to enable set of images to appear on said monitor of said computer as an array of thumbnail images upon launching of said software (an array of several (e.g., 27) digital cameras may be used where the cameras are triggered, paragraph [0019-0020])

As to claim 23, Madden et al teaches the image management system as recited in claim 22, wherein said software application is programmed to enable said user to select a thumbnail image of said array of thumbnail images to enlarge to an intermediate image (figure 2, 203D).

As to claim 24, Madden et al teaches the image management system as recited in claim 23, wherein said software is programmed to enable said user to marquee a portion of said intermediate image (means for texture mapping portions of the three-dimensional representation with high resolution dermatological images (paragraph [0008],[0032-0034] and figure 4A,4B) .

As to claim 25, Kenet teaches the image management system as recited in claim 21, wherein said set of images is consistent with said subsequent and said previous sets of images so that each image of said set of images shows the same portion of a patient's skin (see col. 2, lines 23-26; see also Madden et al abstract),.

As to claim 26-27, Madden et al teaches the image management system as recited in claim 21, wherein said software is programmed to associate annotations made by said user about said each image with said each image (figure 2 and paragraph [0037]) .

As to claim 28, Madden et al teaches the image management system as recited in claim 21, wherein said software is programmed to overlay said each image of a previous set or subsequent set of images over said each image of said set of images (The volumetric representation of the body of the subject then serves as a platform to integrate multiple overlapping lower resolution images onto a single higher resolution representations. This integration may be achieved with a series of still images or from a video of the skin surface (paragraph [0023-0025])).

Claim 14 is similarly analyzed and rejected the same as claim 21 above see also madden et al figure 2

With regard to claim 15, Kenet discloses further comprising the steps of:
making a second set of plural digital images of the skin of said patient, using said computer images of said second set corresponding to images of said first set to define image pairs; storing said second set of plural digital images in said digital memory device; and comparing using said computer , said first set to said second set of digital images to determine if there are changes in

moles present on the skin of said patient (see col. 4, lines 28-32; see also Madden et al paragraph [0020-0024]).

With regard to claim 16, Kenet discloses wherein said comparing step further comprises the step of comparing image pairs side by side using said computer (see col. 4, lines 28-32; see also Madden et al that teaches the growth of a particular skin lesion can be easily tracked in the manner described below by comparing two captured images of a given lesion, paragraph [0017]).

With regard to claim 17, Kenet discloses wherein said comparing step further comprises the step of comparing corresponding image pairs using said computer by overlaying said images of said first set with images of said second set (see col. 4, lines 46-50; see also Madden et al paragraph [0020-0021])).

With regard to claim 20, the step of installing, using said computer, a software application on said digital memory device, said software application having a graphical user interface and being adapted for managing said first set of plural digital images (see col. 4, lines 19-27).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenet et al (U.S. Patent 5,291,889) and Imran et al (U.S. Patent 6,251,073), and further in view of Killcommons et al (U.S. Patent 6,424,996).

With regard to claim 29, Kenet and Imran and Madden are silent about means for reversing said plural digital images so that a user can see said plural digital images as if in a mirror. However, in the same field of endeavor, Killcommons teaches this feature (see col. 14, lines 56-63). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Killcommons image magnification process

into Kenet system. The suggestion/motivation for doing so would have been to provide the process of selecting percentage of zooming (see col. 13, lines 59-67).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nancy Bitar/
Examiner, Art Unit 2624

/Wes Tucker/
Primary Examiner, Art Unit 2624